

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

KELLY THOMAS,
Plaintiff,

v.

ZENITH SOLAR, LLC,
Defendant.

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No. MO:22-CV-47-DC

DEFAULT JUDGMENT

BEFORE THE COURT is United States Magistrate Judge Ronald C. Griffin's Report and Recommendation ("R&R") filed in the above-captioned cause on August 1, 2022 (Doc. 12), recommending Plaintiff Kelly Thomas's ("Plaintiff") Motion for Default Judgment be **GRANTED**. (Doc. 10). This case was referred to the United States Magistrate Judge for findings and recommendations pursuant to Section 636(b) of Title 28 of the United States Code and Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, as amended. No party has filed objections to the R&R and the deadline to do so has expired. Accordingly, the Court **ADOPTS** the R&R in its entirety (Doc. 12) and **GRANTS** Plaintiff's Motion for Default Judgment (Doc. 10).

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file written objections within fourteen (14) days after being served with a copy of the findings and recommendations. 28 U.S.C. § 636(b)(1). Failure to file written objections to the R&R within fourteen (14) days after being served with a copy shall bar that party from de novo review by the district court of the proposed findings and recommendations. *Id.*

Moreover, except upon grounds of plain error, it shall also bar the party from appellate review of proposed factual findings and legal conclusions accepted by the district court to which

no objections were filed. *Id.*; *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989) (per curiam).

The Court reviewed the R&R for clear error, the Court finds it to be neither clearly erroneous nor contrary to law.

Defendant has failed to answer or otherwise plead and has defaulted. Default has been entered by the Clerk of the Court and Plaintiff has proven entitlement to the relief sought.

For the foregoing reasons, the Court **ADOPTS** the R&R (Doc. 12), and **GRANTS** Plaintiff's Motion for Default Judgment (Doc. 10).

It is therefore **ORDERED, ADJUDGED, and DECREED** that judgment is entered in favor of Plaintiff Kelly Thomas against Defendant Zenith Solar LLC in the amount of \$71,500.00.

It is so **ORDERED**.

SIGNED this 24th day of August, 2022.

A handwritten signature in black ink, appearing to read 'David Counts', with a stylized star-like flourish at the end.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE